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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,586	01/08/2002	Domenico Arabino	Q67753	1442
7590 04/04/2005				
SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC 2100 Pennsylvania Avenue, N.W. Washington, DC 20037-3213			EXAMINER STRIMBU, GREGORY J	
			ART UNIT	PAPER NUMBER
			3634	

DATE MAILED: 04/04/2005

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

**MAILED**

**APR 04 2005**

**GROUP 3600**

Application Number: 10/038,586  
Filing Date: January 08, 2002  
Appellant(s): ARABINO, DOMENICO

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Brian W. Hannon  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed December 30, 2004.

**(1) *Real Party in Interest***

A statement identifying the real party in interest is contained in the brief.

**(2) *Related Appeals and Interferences***

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

**(3) *Status of Claims***

The statement of the status of the claims contained in the brief is incorrect. A correct statement of the status of the claims is as follows:

This appeal involves claim 4.

Claims 1-3 been canceled.

**(4) *Status of Amendments***

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) *Summary of Claimed Subject Matter***

The summary of invention contained in the brief is correct.

**(6) *Grounds of Rejection to be Reviewed on Appeal***

The appellant's statement in the brief regarding the grounds of rejection to be reviewed on appeal is correct.

**(7) *Claims Appealed***

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) *Grounds of Rejection***

The following ground(s) of rejection are applicable to the appealed claims:

Claim 4 rejected under 35 U.S.C. 103(a). This rejection is set forth in a prior Office Action, mailed on March 30, 2004.

The Examiner's Answer does not contain any new grounds of rejection.

**(9) *Response to Argument***

Claim 4 is unpatentable over the admitted prior art in figure 1 in view of the teachings of U.S. Patent No. 6,373,005 to Griesbach et al. (hereinafter Griesbach). The admitted prior art in figure 1 discloses the applicant's invention, but for the placement of the projection 19. The projection of the admitted prior art of figure 1 is placed on the lower wall 12a of the compartment 12 while the projection of the applicant's invention is placed on the base portion of the U-shaped gripping portion as shown in figure 5. The applicant placed the protrusion on the base portion to prevent the protrusion from moving laterally with respect to the pressure element 14 (see figure 4). This positioning enables the protrusion to more reliably transmit the force from the object being pinched to the center portion of the pressure element 14 which increases the sensitivity and attendant accuracy of the switch. Likewise, Griesbach placed the protrusion 38 on a base portion 26 of a weather strip to better transmit the force from the object being pinched 39 to the center of a pressure element 36 as shown in figure 2. Moreover, Griesbach, on lines 23-32 of column 6, discloses that the positioning of the protrusion is for the accurate transmission of the force from the object being pinched to the center of the pressure element and reliable activation of the pressure element. Since both the

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applicant and Griesbach were concerned with the same problem of the accurate transmission of a force generated from an object being pinched to a pressure element, one with ordinary skill in the art would be clearly motivated to provide the admitted prior art of figure 1 with a protrusion mounted on the base portion.

The above analysis holds true even when considering the applicant's arguments to the contrary. The examiner agrees that the invention of Griesbach operates in a different manner than the invention disclosed by the applicant. However, this does not obscure the fundamental principle of placing a protrusion on a stationary element, i.e., the base portion, of a weather strip to better transmit a force from an object being pinched to a pressure element to ensure the accurate transmission of a pinching force to the pressure element.

For the above reasons, it is believed that the rejections should be sustained.

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Respectfully submitted,



Gregory J. Stimbu  
Primary Examiner  
Art Unit 3634  
March 31, 2005

Conferees

Les Braun

Peter Cuomo



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